

Appl. No.: 10/518,871
Reply to Office Action of: 07/18/2008

REMARKS

Claims 56 and 58-61 were rejected under 35 U.S.C. §102(b) as being anticipated by Lin (WO 01/50224). Claims 29-35, 40-55, and 57 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lin (WO 01/50224) in view of Wischerop et al. (5,955,951). Claims 36-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wischerop et al. (5,955,951) in view of Lin (WO 01/50224). The examiner is requested to reconsider these rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is submitted that Lin fails to teach each and every element as set forth in claims 56 and 61 for at least the reasons described below.

Claim 56 has been amended to clarify applicants' claimed invention. In particular, claim 58 has been canceled without prejudice and its features have been added to claim 56. Claim 56 has been amended to recite, *inter alia*, "[a]n apparatus, comprising ... a display ... and a controller configured, in response to the reading of the second information from the radio frequency tag when the first information is displayed on the display, to activate a secrecy mode ...".

In applicants' claimed invention first information is displayed on the display before the RF tag is read, and then after reading the RF tag, the first information is then concealed.

Appl. No.: 10/518,871

Reply to Office Action of: 07/18/2008

In contrast, Lin discloses that data of interest can be stored in a system server computer database under a unique RF code and the data may be retrieved when an RF tag with that unique code is used on a network enabled device (page 23, line 25 to page 24, line 5). It appears in Lin, although not explicit, that the RF code has already been associated with the data of interest at some earlier point in time and does not disclose that currently-displayed data (page 10, line 6) may be concealed by reading a radio frequency tag.

Lin does not disclose "a controller configured, in response to the reading of second information from the radio frequency tag when the first information is displayed on the display, to activate a secrecy mode by concealing the first information, such that the first information is inaccessible by an unauthorized user".

The Examiner's interpretation of Lin appears to be that after viewing the data of interest (first information) using the RF tag code (second information), the data of interest is then concealed thereby activating a secrecy mode.

In Lin, the RF tag is read to retrieve information that has been associated with the RF tag code at some earlier point in time. In embodiments of the present invention, the RF tag is used to conceal already-retrieved information, i.e. the "currently-displayed" information that is present on the display before reading the RF tag. This gives, for example, the advantage that information may be made secret at the user's own volition. There is therefore no suggestion or teaching in Lin, to display information and then read the RF

Appl. No.: 10/518,871
Reply to Office Action of: 07/18/2008

tag in order to activate a secrecy mode by concealing that currently-displayed information.

Therefore independent claim 56 is novel and inventive over Lin. Claim 56 is patentable over the art of record and should be allowed.

Though dependent claims 57, 59, and 60 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 56. However, to expedite prosecution at this time, no further comment will be made.

Applicants have amended claim 61 to recite, *inter alia*, "displaying second information ... and activating ... a secrecy mode by concealing the displayed second information ...". Similar to the arguments presented above with respect to claim 56, there is no suggestion or teaching in Lin, to display information and then read the RF tag in order to activate a secrecy mode by concealing that currently-displayed information. The features of claim 61 are not disclosed or suggested in the art of record. Therefore, claim 61 is patentable and should be allowed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Applicants have amended claim 29 to recite, *inter alia*, "a radio frequency tag reader configured, in response to the docking port receiving a device, to read a code from the radio

Appl. No.: 10/518,871
Reply to Office Action of: 07/18/2008

frequency tag and using at least a part of the code to select a destination ... and a controller configured, in response to the radio frequency tag reader reading a first code from a first radio frequency tag, to control the radio interface to transmit a first message to a first selected destination, and the controller being configured, in response to the radio frequency tag reader reading a second code from a second radio frequency tag, to control the radio interface to transmit a second message to a selected second destination".

Independent claim 29 as amended is directed to the automatic sending of the message to different destinations in response to the reading of information from an RF Tag, where the destination is selected using the code within the message. Information related to this aspect may be found in the description, for example, at page 10, lines 20 to 23 disclosing that after the RF code is read and is found not to be locally known, it is sent to a remote server in an action_request message. The server which should be accessed can be indicated by a part of the code itself.

Lin discloses that a routine present in application software on the user's device may obtain the RF tag's code. The routine may then be used to send a unique transaction code (comprising the RF tag code and RF reader code) to a system server computer (first destination according to the Examiner) which maps the code to a specific application, server or website URL. Once the unique transaction code has been sent and a URL is retrieved, a browser program is directed to retrieve the information or application. Lin further discloses that a separate routine well known in the art may be

Appl. No.: 10/518,871

Reply to Office Action of: 07/18/2008

used to send the URL to a web server computer (second destination according to the Examiner) which sends the appropriate web page back to the browser (page 10, lines 29 to 33).

Lin does not disclose the sending of different unique transaction codes to different destinations using at least a part of the code to select a destination. In Lin, the unique transaction code is always sent to the system server computer (first destination) first to retrieve a URL. The preferred embodiment of Lin is then to launch a browser with the URL received from that system server computer. Lin explains that a separate routine well known in the art can send the URL to the web server computer to obtain the web page suggesting an alternative method of viewing a web page (page 10, lines 23 to 33). These methods are not ways of sending messages to different destinations by using part of the code but are simply different routines used to view a web page.

Furthermore, although in Lin the unique transaction code is sent to a first destination in accordance with a routine, there is no indication that upon reading a second code from a second radio frequency tag that the unique transaction code can be sent to a second destination. The Examiner appears to have used the web server computer as a second destination but there is no indication that a radio frequency tag can be read to send the code to either of two destinations. Lin merely comments that there are different methods known in the art to view a web page, suggesting that Lin can use one method or the other. Therefore, Lin does not suggest or teach being able to

Appl. No.: 10/518,871
Reply to Office Action of: 07/18/2008

direct a message to different destinations upon reading different information from different RF tags.

Applicants agree with the Examiner that Lin does not disclose "a docking port configured to receive a device, the device comprising a radio frequency tag" nor does it disclose "a radio frequency tag reader configured, in response to the docking port receiving a device, to read information from the frequency tag". However, applicants disagree with the Examiner that this feature is obvious in view of Wischerop.

Wischerop discloses a reusable EAS (electronic article surveillance)/ID tag 28 and a detaching unit 26 that functions as a data reader and writer with respect to the tag 28 (column 4, lines 48 to 53). The tag 28 comprises an RFID chip 64 that is capable of storing multi-bit identification data and emitting an identification signal corresponding to the stored data in response to a radio frequency interrogation signal (column 5, lines 56 to 60).

The detaching unit 26 includes a housing 82. A nesting area 84 is provided at a top surface of the housing 82. A mechanically actuatable switch 86 is mounted in a nesting area 84 which provides an indication that a tag 28 has been positioned in a nesting area (column 7, lines 19 to 25). When a tag 28 is positioned in a nesting area 84, the switch 86 provides a signal to a control circuit 92 which causes receipt/transmit circuitry 96 and an antenna 94 to transmit an interrogation signal to stimulate the RFID transponder of the tag to generate an identification signal (column 8, lines 17 to 28).

Appl. No.: 10/518,871

Reply to Office Action of: 07/18/2008

When the identification signal is received, the control circuit 92 forwards the identifying data to a point-of-sale terminal 22. The point-of-sale terminal determines whether the detaching unit 26 should operate to remove the tag from the article of merchandise that it is attached to. If the point-of-sale terminal 22 determines that the proposed sale is a valid transaction, it will transmit to the detaching unit a signal indicating that the attaching unit should remove the EAS/ID tag 28 (column 8, lines 31 to 43).

Wischerop relates to security in commerce and the nesting area 84, which the Examiner compares to the docking port of the present invention, provides a security feature namely the removal of a security tag. It would not be obvious to isolate this feature from Wischerop and introduce it into a teaching that does not involve point of sale security such as Lin.

Even if the skilled person having considered Lin were to consider Wischerop, it is not apparent why one would isolate the nesting feature of Wischerop to combine it with Lin.

Applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). In particular, one aspect of the present invention utilises the docking feature for energy efficiency, i.e. so that the RF reader is not always searching for the passive RF tag (page 3, line 23 to page 4, line 2; page 20, lines 12 to 17). This is advantageous, for example, in mobile phones where the longevity of battery life is of importance. However, Lin discloses that "the Chippo Reader will connect to the PC via

Appl. No.: 10/518,871

Reply to Office Action of: 07/18/2008

USB" (page 33). The RF reading device (the Chipco Reader) in Lin is therefore assumed to be powered via the USB as is commonly known in the art. There is therefore no incentive for energy conservation in Lin. In Wischerop, the detaching unit and nesting area are provided for point of sale security. There is no reason to isolate this feature from Wischerop and combine it with the teaching of Lin.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (see MPEP 2143.01, page 2100-98, column 1). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (see MPEP 2143.01, page 2100-98, column 2). A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. (see MPEP 2143.01, page 2100-99, column 1) Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). >See also Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

Appl. No.: 10/518,871
Reply to Office Action of: 07/18/2008

In the present case, there is no teaching, suggestion, or motivation, found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to provide an apparatus having a radio frequency tag reader configured, in response to the docking port receiving a device, to read a code from the radio frequency tag and using at least a part of the code to select a destination ... and a controller configured, in response to the radio frequency tag reader reading a first code from a first radio frequency tag, to control the radio interface to transmit a first message to a first selected destination, and the controller being configured, in response to the radio frequency tag reader reading a second code from a second radio frequency tag, to control the radio interface to transmit a second message to a selected second destination, as claimed in amended claim 29. The features of claim 29 are not disclosed or suggested in the art of record. Therefore, claim 29 is patentable and should be allowed.

Claim 31 has been cancelled without prejudice.

Though dependent claims 30 and 32-34 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 29. However, to expedite prosecution at this time, no further comment will be made.

Applicants have amended claim 35 to recite, *inter alia*, "reading means for reading ... a code from the radio frequency tag of the received device and using at least part of the code to select a destination ... and control means for controlling,

Appl. No.: 10/518,871
Reply to Office Action of: 07/18/2008

in response to the reading means reading a first code from a first radio frequency tag, the radio interface means to transmit a first message to a selected first destination, and the control means being for controlling, in response to the reading means reading a second code from a second radio frequency tag, the radio interface to transmit a second message to a selected second destination".

Similar to the arguments presented above with respect to claim 29, Lin does not teach or suggest having a message sent to a destination where the destination is selected using the code. There is no disclosure in Wischerop related to these features of the claims. Additionally, as presented above, applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). The features of claim 35 are not disclosed or suggested in the art of record. Therefore, claim 35 is patentable and should be allowed.

Applicants have amended claim 36 to recite, *inter alia*, "code" as opposed to "information". Independent claim 36 already appears to be novel and inventive over the prior art. Wischerop does not disclose "a memory configured to store a code identifying a remote destination". The Examiner has accepted that Wischerop does not disclose this feature but has commented that Lin does disclose this feature. In Lin, the information contained within the RF tag is always first sent to a single destination and does not specify the destination where it is sent. As commented above, Lin discloses as is known in the art, that different routines can be used to view a web page. Although the routines may

Appl. No.: 10/518,871

Reply to Office Action of: 07/18/2008

comprise the RF tag code, there is no link in Lin between the content of the code sent to the destination and the destination itself. Therefore Lin does not disclose that a message is sent to a destination where the destination is selected using the code. Additionally, applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). In the present case, there is no teaching, suggestion, or motivation, found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to provide a casing ... a memory configured to store a code identifying a remote network destination ... and a radio frequency tag configured to transmit the stored code to the apparatus, in order to enable the apparatus to transmit a message to the identified remote network destination, as claimed in amended claim 36. The features of claim 36 are not disclosed or suggested in the art of record. Therefore, claim 36 is patentable and should be allowed.

Though dependent claims 37-39 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 36. However, to expedite prosecution at this time, no further comment will be made.

Applicants have amended claim 40 to recite, *inter alia*, "reading ... a first code from the radio frequency tag of the first device and using at least a part of the first code to select a first destination ... transmitting ... a first message to a the selected first destination ... reading ... a second code

Appl. No.: 10/518,871
Reply to Office Action of: 07/18/2008

from the radio frequency tag of the second device and using at least a part of the second code to select a second destination ... and transmitting ... a second message to the selected second destination".

Similar to the arguments presented above with respect to claim 29, Lin does not teach or suggest having a message sent to a destination where the destination is selected using the code. There is no disclosure in Wischerop related to these features of the claims. Additionally, as presented above, applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). The features of claim 40 are not disclosed or suggested in the art of record. Therefore, claim 40 is patentable and should be allowed.

Though dependent claim 41 contains allowable subject matter, claim 41 should at least be allowable due to dependence from allowable claim 40. However, to expedite prosecution at this time, no further comment will be made.

Applicants have amended claim 42 to recite, *inter alia*, "a radio interface for transmitting and receiving data in a network ... and a controller configured to ... perform an operation associated with the corresponding stored code and when the read code does not correspond with a stored code, to control the radio interface to transmit, in dependence upon the read code, a message".

Independent claim 42 relates to embodiments of the present invention where after the RF tag is read, a central control

Appl. No.: 10/518,871

Reply to Office Action of: 07/18/2008

unit checks its memory to see if the RF code is known locally (pages 9, 10 and 18).

Lin discloses that the RF tag may direct the application software to launch a local application program on the user's computer that does not need access to a computer network or remote server computer (page 13, lines 21 to 32). The control of whether or not a local application program is launched is decided by the 'type' of RF tag (2,048-bit type 3 RF tag for a local application program, and 64-bit type 1 RF tag or 256-bit type 2 RF tag for sending the code to the system server computer). Lin discloses that the unique code of the RF tag is checked by the RF tag reader to determine if the type of RF tag is a type 1, type 2 or type 3. The Examiner appears to have compared the determination of the 'type' of RF tag in Lin to the feature of the present invention where the read code corresponds with a stored code.

Lin does not disclose a controller configured to determine whether the read code corresponds with a stored code, and when the read code corresponds with a stored code, to perform an operation associated with the corresponding code and when the read code does not correspond with a stored code, to control the radio interface to transmit a message dependent on the read code. Clearly, there is no disclosure in Lin of stored codes in the RF reader, and the recognition of the 'type' of RF tag does not involve a determination of whether it corresponds to a stored code. There is also no disclosure in Lin of a read code corresponding to a stored code to perform an operation associated with the corresponding code.

Appl. No.: 10/518,871

Reply to Office Action of: 07/18/2008

Lin discloses "the type 3 RF tag can be used to display content such as a business card" (page 13, lines 19 to 20). A person skilled in the art will appreciate that due to the relatively large memory size of the type 3 tag when compared to the other tags, there is likely to be a direct relationship between the information stored on the memory of the tag and the display of the content, therefore a person skilled in the art is led to believe that a business card is displayed directly from the memory of the tag rather than being retrieved from stored memory as in the present invention.

Additionally, applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). The above features of these claims are therefore inventive over Lin. There is no disclosure in Wischerop related to these features. Accordingly, claim 42 is patentable over the art of record and should be allowed.

Claims 53 and 54 provide for utilization of the docking feature so that a plurality of RF tag devices may be docked simultaneously and the operation of the device receiving the RF tag devices, for example a mobile phone, may be directed dependent on the combination and order of the docked devices (page 3, lines 21 to 23; page 25, lines 13 to 17). An advantage of this feature is, for example, that the plurality of docked devices may therefore create a physical programming language dependent on the order of docking. There is no disclosure in Lin or Wischerop that enables a docking port to receive a plurality of devices simultaneously.

Appl. No.: 10/518,871
Reply to Office Action of: 07/18/2008

The Examiner states that in "the previous office action the Examiner took official notice stating that having multiple tags in the reader fields would have been obvious to one having ordinary skill in the art at the time the invention was made since it is well known in the art that RFID reader can have multiple tags in the reading area simultaneously". Applicants submit that the examiner took official notice in regards to claim 23. Claim 23 depended from claim 20 which claimed a system comprising a device and a personal communication apparatus. Additionally, claim 23 claimed "wherein said docking means can accommodate several devices for reading". Claims 20 and 23 were canceled in the response/amendment to the previous office action. Currently, claim 53 depends from claim 42. Claim 42 claims a device and claim 53 claims wherein the docking port is arranged to enable a plurality of devices to be docked simultaneously. Applicants hereby challenge the examiner's newly presented "Official Notice" mentioned on page 8 of the office action in regards to claims 53 and 54. In accordance with MPEP §2144.03 the examiner is requested to cite a reference in support of his position.

Claim 43 has been cancelled without prejudice.

Though dependent claims 44-52 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 42. However, to expedite prosecution at this time, no further comment will be made.

Appl. No.: 10/518,871

Reply to Office Action of: 07/18/2008

Applicants have amended claim 55 to recite, *inter alia*, "performing ... an operation associated with the corresponding stored code and when the read code does not correspond with a stored code, transmitting a message dependent upon the read code".

Similar to the arguments presented above with respect to claim 42 Lin does not disclose a method comprising determining whether the read code corresponds with a stored code, and when the read code corresponds with a stored code, to perform an operation associated with the corresponding code and when the read code does not correspond with a stored code, transmitting a message dependent on the read code. Clearly, there is no disclosure in Lin of stored codes in the RF reader, and the recognition of the 'type' of RF tag does not involve a determination of whether it corresponds to a stored code. There is also no disclosure in Lin of a read code corresponding to a stored code to perform an operation associated with the corresponding code.

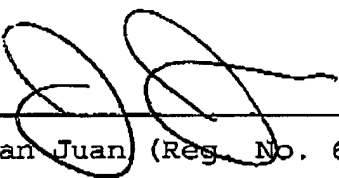
Additionally, applicants submit that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicants' patent application). The above features of these claims are therefore inventive over Lin. There is no disclosure in Wischerop related to these features. Accordingly, claim 55 is patentable over the art of record and should be allowed.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record.

Appl. No.: 10/518,871
Reply to Office Action of: 07/18/2008

Accordingly, favorable reconsideration and allowance is respectfully requested. If there are any additional charges with respect to this Amendment or otherwise, please charge deposit account 50-1924 for any fee deficiency. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,



Juan Juan (Reg. No. 60,564)

9/18/2008

Date

Customer No.: 29683
Harrington & Smith, PC
4 Research Drive
Shelton, CT 06484-6212
203-925-9400

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

9/18/2008

Date

Clair F. Mian

Name of Person Making Deposit